

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 CHRISTOPHER THAYER,

5 Plaintiff,

6 v.

7 WESTERN VILLAGE HOTEL AND
8 CASINO, et al.,

9 Defendants.

Case No. 3:19-cv-0592-RCJ-CLB

REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE¹

10 **I. DISCUSSION**

11 On September 24, 2019, Plaintiff submitted a *pro se* civil rights complaint pursuant
12 to 42 U.S.C. § 1983. (ECF No. 1-1.) On February 27, 2020, the court conducted a
13 screening of the complaint pursuant to 28 U.S.C. § 1915A. (ECF No. 5.) The screening
14 order dismissed the complaint, without prejudice, and with leave to amend. (*Id.*) Plaintiff
15 was directed to file an amended complaint within thirty (30) days and was cautioned that
16 failure to file an amended complaint curing the deficiencies outlined in the screening order
17 would result in the issuance of a Report and Recommendation that the action be
18 dismissed, with prejudice, for failure to state a claim. (*Id.* at 8.) On March 23, 2020,
19 Plaintiff filed a motion to extend time to file an amended complaint (ECF No. 7), which
20 was granted. (ECF No. 8.) The court gave Plaintiff until May 26, 2020 to file his amended
21 complaint and stated that no further extensions of time would be granted. (*Id.*) Plaintiff
22 has not complied with this court's orders, as he has not submitted an amended complaint.

23 Accordingly, the court recommends this action be dismissed, with prejudice, for
24 failure to state a claim.

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27 ¹ This Report and Recommendation is made to the Honorable Robert C. Jones,
28 United States District Judge. The action was referred to the undersigned Magistrate
Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice IB 1-4.

1 The parties are advised:

2 1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of
3 Practice, the parties may file specific written objections to this report and recommendation
4 within fourteen days of receipt. These objections should be entitled "Objections to
5 Magistrate Judge's Report and Recommendation" and should be accompanied by points
6 and authorities for consideration by the District Court.

7 2. This report and recommendation is not an appealable order and any notice
8 of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District
9 Court's judgment.

10 **II. RECOMMENDATION**

11 For the reason stated above, the court recommends that the District Court enter
12 an order **DISMISSING** this action with prejudice, for failure to state a claim.

13 **DATED:** June 3, 2020.

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15 _____
16 **UNITED STATES MAGISTRATE JUDGE**